

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PATRICIA MENDEZ,

Plaintiff,

v.

SIEBERT GROUP 1, LLC-S.G. SERIES 4,
PHILLIP SIEBERT, THOMAS ISCHKUM,
KAREN ISCHKUM,
GSF MORTGAGE CORPORATION,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, and UNKNOWN OCCUPANTS AND
NONRECORD CLAIMANTS,

Defendants.

Case No. 08 C 1216
Judge Shadur
Presiding

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiff, PATRICIA MENDEZ, by her attorneys, Prairie State Legal Services, Inc., pursuant to Rule 65 of the Federal Rules of Civil Procedure, moves this Court to enter a Temporary Restraining Order and Preliminary Injunction enjoining Defendant Thomas Ischkum from prosecuting an eviction action in the Circuit Court of the Eighteenth Judicial Circuit, in DuPage County Illinois, and in support of her motion states as follows:

1. Plaintiff has lived in the house at 366 N. Central Avenue, Wood Dale, Illinois almost her entire life. Her father built the house in 1944.
2. When she contacted her mortgage broker, Thomas Ischkum, in 2007 because she was falling behind in her mortgage payments, he initiated a series of transactions whereby he ultimately received title to the property and Ms. Mendez would rent the property from him..

3. Ms. Mendez filed this action seeking to quiet title to the property and seeking monetary damages. This action was filed in the Circuit Court of the Eighteenth Judicial Circuit, in DuPage County, Illinois on January 24, 2008. Defendants subsequently removed the case to federal court.

4. On January 25, 2008, Defendant Thomas Ischkum filed a forcible entry and detainer action in the Circuit Court of the Eighteenth Judicial Circuit, in DuPage County, Illinois. The forcible entry and detainer action is set for trial on June 17, 2008.

5. The criteria for preliminary relief are met in this case: (1) Ms. Mendez will suffer irreparable harm without the protection of the injunction; (2) there is no adequate remedy at law; (3) there is a likelihood of success on the merits; (4) the balance of hardships favors preliminary relief, and is not contrary to the public's interest.

6. Plaintiff requests that she be permitted to proceed without payment of a bond due to her indigent status.

This motion is based on the pleadings and papers on file in this cause and upon the accompanying memorandum and supporting documentation.

Respectfully submitted,

/s/ Elizabeth Newkirk Jahoda

Elizabeth Newkirk Jahoda
One of the attorneys for plaintiff

Prairie State Legal Services
Elizabeth Newkirk Jahoda (#6283149)
Ana Collazo
Eliot Abarbanel
350 S. Schmale Rd., Suite 150
Carol Stream, IL 60188
(630) 690-2130